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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,403	06/06/2001	Srinivas V.R. Gutta	US010127	7747

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EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/875,403	GUTTA ET AL.	
	Examiner	Art Unit	
	Usha Raman	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed on May 25th, 2006 have been fully considered but they are not persuasive. Applicant argues that, "Hendrick fails to disclose a first classifier module trained with the identified first programming category to provide a recommendation". The examiner respectfully disagrees. Hendricks teaches the step of allowing a user to select a preferred category (e.g. comedy), wherein a search is performed to recommend programs matching the selected category (i.e. comedy). Therefore, there is an inherent comedy classifier module that is correlated with the comedy program category in order to provide recommendations in accordance with viewer preferred categories. As a result, the rejection is maintained.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4-5, 15-16, 18, and 21-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 4, 15, 16, 18, 23, 24 recite the limitation, "specifically selecting by a user...said program". While the cited portions in the disclosure indicate that a user

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can select program (page 4, lines 23-26), the disclosure does not disclose that the program record is received as a result of a user selecting the program (the disclosure merely states that a program record is received, see page 6, lines 20-25). As a result, the scope of the limitation cannot be ascertained from the cited portion portions in the disclosure.

4. Claims 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 6 recites the limitations:

“generating a first recommendation....said generating of the first recommendation occurring when the record indicates the program corresponds to the first programming category”;

“generating a second recommendation...said generating of the second recommendation occurring when the record indicates the program corresponds to the second programming category”; and

“first recommendation....and second recommendation...are concurrently generated when the record indicates none of the programming categories of the plurality of programming categories”

The claim is not enabling because one of ordinary skill cannot generate the first and second recommendations concurrently when the record indicates none of

the programming categories, wherein the said first or second recommendations are generated when the record indicates the program corresponds to the first or second program category.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks (US Pat. 5,798,785).

Claims 1-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (US Pat. No. 5,798,785).

As to claim 1, Hendricks discloses a system, which recommends content to viewers. The system receives a program abstract" (i.e., received record), which describes the program, from a program abstract database. In turn, the system is able to identify a category (i.e., genre, theme, etc.) from the program abstract that corresponds to the program, and generates a recommendation list based upon the program's correlation to the specified category. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). This recommendation can be generated in any number of ways, including a learning method (i.e., training method). (Col. 35, Ln. 9- Col. 36, Ln. 16). Moreover, in order for the system to suggest programming based on categories, the system must have some module which correlates said programs to said

categories. Accordingly, Hendricks et al anticipate each and every limitation of claim 1.

Claim 8 corresponds to the method claim 1. Therefore, it is analyzed and rejected as previously discussed.

(NOTE: It is inherent Hendricks contains any number of "classifier modules " because the system can be used to retrieve programs based upon various categories. In essence, each category can be read to correspond to a separate module. For example, Comedy Category corresponds to the comedy module, sit-com category corresponds to the sit-com module, etc)

As to claim 2, Hendricks further discloses a user can enter any number of criteria used to retrieve content. As discussed under claim 1, the system receives a program abstract and identifies a category corresponding to the program. Thereafter, the system generates a list of suggested programs based upon the degree of correlation between said program and user criteria (i.e., a first recommendation for first program, second recommendation for second program, etc.). (Col. 30, Ln. 3-67 through Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 2.

Claim 9 corresponds to the method claim 2. Therefore, it is analyzed and rejected as previously discussed.

Claims 14, 17, and 20 correspond to the method claim 9. Therefore, each is analyzed and rejected as previously discussed.

As to claim 3, Hendricks again discloses the system is capable of extracting a program abstract from incoming programs (i.e., a first record corresponding to a first program, a second record corresponding to a second program, etc.). Once this program abstract is received, the system then determines the category of the program based upon the program's abstract. Then, the system can generate any number of recommendations - each depending on criteria entered by the user (i.e., first classifier module could be drama, second classifier module could be sports, etc.). (Col. 30, Ln. 3-67 through Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 3.

Claim 10 corresponds to the method claim 3. Therefore, it is analyzed and rejected as previously discussed.

As to claim 4, Hendricks teaches (as discussed above) the system receives a program abstract (i.e., record) from the incoming program and generates a recommendation of the program according to a correlation between the program and a user's criteria. (Col. 30, Ln. 3-67 through Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). The user can enter any number of criteria (genre, theme, etc.) which are, in essence, classifier modules. The remainder of the recited limitations are encompassed under the rejection of Claim 1. Accordingly, Hendricks et al anticipate each and every limitation of claim 4.

As to claim 5, Hendricks teaches the user can enter any number of user criteria. Therefore, if the user enters a second criteria, the system will recommend those programs whose abstracts correlate to the define user criteria. (Col. 30, Ln. 3-

67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Moreover, it is clear from the citations under Claim 1, the user specifically select" one of the programs from the ranked listing. Accordingly, Hendricks et al anticipate each and every limitation of claim 5.

Claim 11 corresponds to the method claim 5. Therefore, it is analyzed and rejected as previously discussed.

As to claims 6 (as best understood), 13, 16 and 19, Hendricks further teaches the system is capable of concurrently generating recommendations based upon the correlation of the program to different categories when the program record fails to indicate an allocation of the program to one specific category. (Col. 36, Ln. 1-16 & Ln. 45-51). The remainder of the recited limitations are encompassed under the rejections of Claims 1 and 5. Accordingly, Hendricks et al anticipate each and every limitation of claim 6.

As to claim 7, Hendricks further teaches the recommended programs can be ranked based upon their correlation values. (Col. 32, Ln. 54-67 thru Col. 33, Ln. 1-13). Accordingly, Hendricks et al anticipate each and every limitation of claim 7.

As to claim 12 Hendricks teaches (as discussed above) the system is capable of identifying any number of programming categories, which correspond to the program (which can be a first, second, third, etc. program). The system then calculates a recommendation based upon the correlation between the program and the categories. (Col. 30, Ln. 3-67 thru Col. 31, Ln. 1-39 & Col. 32, Ln. 20-33). Accordingly, Hendricks et al anticipate each and every limitation of claim 12.

Claims 15 and 18 each combine the limitations recited in claims 1 and 2. Accordingly, each is analyzed and rejected as previously discussed.

As to Claim 22, the recited limitations are inherently disclosed. Since the system is capable of ranking the recommendations, it is inherent the system choose (i.e., select) which recommendations to be listed. Accordingly, Hendricks et al anticipate each and every limitation of Claim 22.

Claims 23 and 24 are encompassed within the rejection of Claim 5. Thus, each is analyzed and rejected as discussed therein.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Applicant's Admitted Prior Art C:AAPA").

Claim 21 recites the product of Claim 15, wherein one of the first and second classifier modules is a concept learning based classifier and the other of the modules is a classifier for providing a probabilistic calculation. As discussed above, Hendricks et al anticipate each and every limitation of Claim 15, but fail to specifically recite the limitations of Claim 21. However, within the same field of endeavor, AAPA discloses the exact limitations and admits them as prior art. (Spec. Pg. 6, Ln. 1-13 & 18-21). Accordingly, it would have been obvious to one having

ordinary skill in this art at the time of Applicant's invention to combine the teachings of Hendricks and AAPA to provide a system, which incorporates well-known learning techniques.


Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The


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